



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

FEB 28 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7006-2760-0000-8644-6190

Mr. Richard Sickora
Operations Manager
Jacobson Warehouse Company
3901 Dixon Street
Des Moines, Iowa 50313

RE: Jacobson Warehouse Company
Des Moines, Iowa

Dear Mr. Sickora:

Request for Information

On July 25, 2011, the U.S. Environmental Protection Agency (EPA) conducted a Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection (CEI) at the BASF Corp at Jacobson (RCRA ID No.: IAR000501916) which is managed by the Jacobson Warehouse Company, Des Moines, Iowa. A copy of this inspection report is attached.

The EPA is seeking additional information about the management of hazardous waste at your facility. Section 3007 of the Resource Conservation and Recovery Act (RCRA) gives the EPA the authority to obtain this information in order to determine your facility's compliance with the hazardous waste regulations.

The enclosure contains instructions, followed by the requested information. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required, and substantial penalties may result from not complying. Please note that the EPA retains its authority to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of review of your response to this letter, regardless of whether the violations were subsequently corrected.



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Within thirty (30) calendar days of receiving this letter, please mail your response to: Kevin Snowden, AWMD/WEMM, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions to Mr. Snowden, of my staff, at (913) 551-7022.

Sincerely,



Don Toensing, Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Enclosures

cc: Mr. Cal Lundberg, Chief, Contaminated Sites Section
Iowa Department of Natural Resources

List of Requested Information
Jacobson Warehouse Company
Des Moines, Iowa

1. Please identify all persons responding to the questions in this letter. Please include names, titles, and telephone numbers, if different from the facility's telephone number.
2. During the July 25, 2011 RCRA inspection, the inspector observed the following containers inside of the Jacobson Warehouse Company (Jacobson) damaged goods area:
 - Govern 4E Insecticide – According to the report, this 55-gallon container (Attachment 5, photographs 1, 2 and 3) was owned by Tenkoz (a Jacobson client). The container was structurally sound with no apparent leaks or damage, closed, and held approximately 40 gallons of damaged/expired product. The container was labeled as hazardous waste (U055 and U239) and dated 07/01/2011.
 - Cobalt Insecticide – According to the report, this 55-gallon container (Attachment 5, photographs 4, 5, and 6) was owned by Dow Chemical (a Jacobson client). The container was structurally sound with no apparent leaks or damage, closed, and held approximately 50 gallons of damaged/expired product. The container was labeled as hazardous waste and a flammable liquid. The container was dated 07/06/2010. Based on the date, this container was in storage approximately 384 days at the time of the inspection.
 - Warhawk Insecticide – According to the report, this 55-gallon container (Attachment 5, photographs 7 and 8) was owned by Loveland (a Jacobson client). The container was structurally sound with no apparent leaks or damage, closed, and held approximately 45 gallons of damaged product. The container was labeled as hazardous waste (U055 and U239) and dated 06/21/2011.
 - Dimethoate 4E Insecticide – According to the report, this 55-gallon container (Attachment 5, photographs 9 and 10) was owned by Cheminova (a Jacobson client). The container was structurally sound with no apparent leaks or damage, closed, and held approximately 45 gallons of damaged/expired product. The container was labeled as hazardous waste (P044) and dated 05/23/2011.
 - Guardsman Max Herbicide – According to the report, this 55-gallon container (Attachment 5, photographs 11 and 12) was owned by BASF. The container was structurally sound with no apparent leaks or damage, closed, and held approximately 50 gallons of expired product. The container was labeled as hazardous waste and dated 03/07/2011.

For each of the above-listed containers that were present in the damaged goods area at the time of the EPA's July 25, 2011 RCRA inspection, please provide:

- a. all manifests (and corresponding land disposal restriction (LDR) notices), bills of lading, "Special Waste Manifest Tickets," receipts, shipping documents, etc. used to ship the above-listed containers off-site. This documentation should list the container, the name of the company who owned the container, the amount shipped, the shipment destination, shipment date, and the reason for the shipment (i.e., disposal, rework, repackaging, etc.); and
 - b. information indicating when any of the remaining above-listed containers still stored in the damaged goods area at Jacobson, will be shipped off-site.
3. Please provide the following information for each container that is currently in the damaged goods storage area:
 - a. the date the container was placed into the damaged goods storage area;
 - b. the owner of the container;
 - c. a description of the material/product/waste stored in the container;
 - d. the amount of material/product/waste stored in the container;
 - e. as applicable, a waste determination for the waste stored in the container (please include the waste code with your response);
 - f. photographs showing the container, container condition, container labeling, container dating, container closure, etc.;
 - g. as applicable, documentation showing that Jacobson has been conducting weekly inspections of each container holding hazardous waste in accordance with Title 40 Code of Federal Regulations (40 CFR) 265.174; and
 - h. plans (i.e., timeline) for returning the container to the owner or disposing the container.
4. Please provide Jacobson's written procedures concerning the handling and management of outdated, returned, and damaged goods. If a written procedure is not available, your response should provide a written description of how Jacobson handles and manages these items.
5. Please provide Jacobson's written procedures for the handling and management of solid and hazardous wastes at the Jacobson Warehouse Company (RCRA ID No.: IAD005278833) and BASF Corporation at Jacobson (RCRA ID No.: IAR000501916) facilities. If a written procedure is not available, your response should provide a written description of how the solid and hazardous wastes are handled and managed.
6. On August 31, 2006, the EPA sent a Letter of Warning to Jacobson Warehouse (see attached). This letter provided a discussion concerning that the Jacobson Warehouse Company, by site, is a co-generator of various hazardous wastes with the owners of the materials that become hazardous wastes. In addition, the Jacobson Warehouse Company is responsible, together with its clients, to make a hazardous waste determination for each solid waste generated at its facility.

Therefore, please provide the following documentation:

- a. all agreements, letters, or other documentation between the Jacobson Warehouse Company and each of its clients which provides a discussion concerning the responsibility for the handling and management of hazardous waste generated at the Jacobson Warehouse Company;
- b. the procedures (i.e., standard operating procedures) followed for the handling and management of hazardous waste generated at the Jacobson Warehouse Company. (RCRA ID No: IAD005278833) and BASF Corp at Jacobson (RCRA ID No.: IAR000501916) facilities;
- c. all manifests (and corresponding LDR notices), "Special Waste Manifest Tickets," bills of lading, receipts, shipping documents, etc., that document shipments of hazardous waste from the Jacobson Warehouse Company (RCRA ID No.: IAD005278833) and BASF Corporation at Jacobson (RCRA ID No. IAR000501916) facilities for the past three years;
- d. all manifests (and corresponding LDR notices), "Special Waste Manifest Tickets," bills of lading, receipts, shipping documents, etc., that document shipments of hazardous waste using the RCRA ID numbers of Jacobson Warehouse Company (RCRA ID No.: IAD005278833) facility clients for the past three years; and
- e. all manifests (and corresponding LDR notices), "Special Waste Manifest Tickets," bills of lading, receipts, shipping documents, etc., that document shipments of hazardous waste under the Jacobson Warehouse Company RCRA ID number (RCRA ID No.: IAD005278833) facility as a co-generator of hazardous waste for the past three years.

3007 RESPONSE INSTRUCTIONS

Identify the Person(s) responding to this request on your behalf.

Address each numbered item separately, and precede each answer with the number of the item to which it responds.

For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)

For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.

For each numbered item, identify all persons consulted in the preparation of the answer.

For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.

If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.

If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.

If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.

You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, in accordance with 40 CFR 2.203(b), you must do so by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend that identifies the material with words such as "trade secret," "proprietary," or "company confidential." Please make such claims in a bold, clearly identifiable manner, such that immediately upon viewing the information it is evident that a claim of confidentiality has been made.

The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.

A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.

Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.

This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.

The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

31 AUG 2006

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No. 7004 2510 0006 9718 9164

Rich Sickora
Operations Manager
Jacobson Companies
3901 Dixon
Des Moines, IA 50313

Dear Mr. Sickora:

RE: Jacobson Warehouse
Des Moines, IA
RCRA ID No. IAD005278833

Letter of Warning

On April 4, 2006, a representative of the U. S. Environmental Protection Agency (EPA) inspected your facility. This inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA). A copy of the report is enclosed.

My staff has reviewed the inspection report. Based on this review, my staff has determined that potential violations of RCRA were documented. The owner/operator of a facility is responsible for all hazardous wastes generated at that facility regardless who may own the hazardous waste or the material that became a hazardous waste. Title 40 CFR 262.11 requires the generator of a solid waste to determine if that waste is hazardous per regulation. A generator is defined at 40 CFR 260.10 as "any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation." Jacobson Warehouse, by site, is a co-generator of various hazardous wastes with the owners of the materials that become hazardous wastes. As such, Jacobson Warehouse is responsible, together with its clients, to make a hazardous waste determination for each solid waste generated at its facility.

On or about July 21, 2005, Jacobson Warehouse shipped, via Onyx Environmental, 110 gallons of waste sulfuric acid from Jacobson Warehouse under a "Special Waste Manifest Ticket." It is the responsibility of Jacobson Warehouse to use a hazardous waste manifest to ship hazardous waste. Failure to do so is a violation of 40 CFR 262.23.

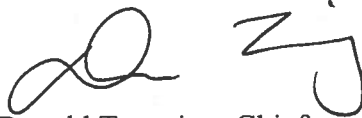
As a facility that stores hazardous waste, Jacobson Warehouse must obtain a permit from the EPA to store hazardous wastes. Jacobson Warehouse may avail itself of the exemptions from permitting found at 40 CFR 262.34. Those exemptions are based upon the generator performing certain acts such as storing hazardous waste no longer than 90 days, keeping appropriate records, and managing containers of hazardous waste properly. It is the responsibility of Jacobson Warehouse to operate in concert with the owners of the various materials and hazardous wastes so that the requirements of the permitting exemptions are not violated.

The owners of materials stored at Jacobson Warehouse, when those materials become hazardous wastes, are co-generators of those hazardous wastes with Jacobson Warehouse. Responsibility for proper management and disposal of those hazardous wastes is a contractual matter between those companies and Jacobson Warehouse. Although the EPA may hold all parties liable, the EPA recognizes only one hazardous waste generator facility identification number for Jacobson Warehouse, IAD005278833. All manifests for hazardous waste leaving Jacobson Warehouse should use that number. Any other identification number held by a client of Jacobson Warehouse at the warehouse address should be discontinued. Those companies should submit a form 8700-12 to the EPA to deactivate their identification numbers.

Please note that EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of this inspection, regardless of whether the violations were subsequently corrected.

I would like to remind you that your facility is responsible for maintaining compliance with all applicable hazardous waste regulations. If there are any questions regarding this matter, please contact Edwin Buckner of my staff at (913) 551-7621 or buckner.edwin@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'D Toensing', with a stylized flourish at the end.

Donald Toensing, Chief
RCRA Enforcement and State Programs Branch

Enclosures

cc: Cal Lundberg
Iowa Department of Natural Resources